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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

In re AARON R., et al., Persons Coming
Under the Juvenile Court Law.

B260684

(Los Angeles County
Super. Ct. No. DK07680)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN AND
FAMILY SERVICES,

Plaintiff and Respondent,

v.

STEPHANIE O.,

Defendant and Appellant.

APPEAL from a judgment of the Superior Court of Los Angeles County, Phillip L. Soto, Judge. Affirmed.

Maureen L. Keaney, under appointment by the Court of Appeal, for Defendant and Appellant.

Mark J. Saladino, County Counsel, Dawyn R. Harrison, Assistant County Counsel, and Jessica S. Mitchell, Deputy County Counsel for Plaintiff and Respondent.

Stephanie O., mother of Aaron R. and Anahi R., appeals from the jurisdictional and dispositional orders of the juvenile court. We affirm.

FACTUAL AND PROCEDURAL BACKGROUND

Aaron R. and Anahi R. came to the attention of the Department of Children and Family Services in September 2014 based on a report that Stephanie O. had inflicted harm upon herself and had been hospitalized involuntarily.

Antonio R., husband of Stephanie O. and father of the children, told DCFS that he and Stephanie O. had experienced marital problems. In early September, Antonio R. and Stephanie O. argued, and he told her to take her possessions and leave. Stephanie O. left in a car with sixteen-month-old Anahi R. without a child safety seat. Antonio R. told DCFS that the next day, Stephanie O. called him and asked him to pick up Anahi R. He later called the police to report that Stephanie O. had cut her wrist with a razor blade.

Stephanie O. met with DCFS after her hospital discharge. She confirmed that she had cut her wrist when she felt pressured and stressed over her marital problems and separation. She reported that this was her first hospitalization for suicidal ideation and denied having been diagnosed with any mental health problem in the past. She was diagnosed with a major depressive disorder, severe and reoccurring, with no psychosis. Stephanie O. had attended an intake appointment at West Valley Mental Health Services and was scheduled to meet with a psychiatrist in October 2014. DCFS urged Stephanie O. to follow through with obtaining mental health services, and Stephanie O. agreed that she would.

The children's parents and extended family met with DCFS on September 26, 2014, for a child and family team meeting. According to DCFS, it was decided at this meeting that DCFS would file a dependency petition with respect to the children. Stephanie O. consented to the detention of the children and told DCFS that she was not able to care for them at that time because she needed help herself and needed to focus on stabilizing her mental health. She agreed to obtain mental health services and stated that she would comply with services in order to reunify with her children in the near future.

On October 2, 2014, DCFS filed a petition under Welfare and Institutions Code¹ section 300 alleging that the children were subject to the jurisdiction of the juvenile court. DCFS alleged under section 300, subdivision (b), that both children were at risk of suffering serious physical harm as a result of Stephanie O.'s mental and emotional problems and because she transported Anahi R. in a vehicle without placing her in a child safety seat. DCFS also alleged under section 300, subdivision (j), that Aaron R. was placed at risk by the abuse or neglect of Anahi R., specifically Stephanie O. transporting Anahi R. in a vehicle without using a child safety seat. At the October 2, 2014, detention hearing, the children were detained from their mother and released to their father. Stephanie O. was granted monitored visitation and was ordered to undergo individual counseling and to take all prescribed psychotropic medications.

On October 21, 2014, the DCFS social worker received a telephone call from a distraught Stephanie O. asking to be referred to a mental hospital because she needed help. After confirming that Stephanie O. was not alone and that she was not going to harm herself, the social worker directed Stephanie O. to go to the nearest emergency room.

The jurisdictional and dispositional hearing was set for November 17, 2014. In preparation for the hearing, DCFS interviewed Antonio R. and visited his home. DCFS found that the children were safe in their father's care, and that he was willing and able to protect them. Antonio R. told DCFS that Stephanie O. had been diagnosed with anxiety and post partum depression after Anahi R. was born, and that her father died soon afterwards. He reported that after those events, "she wasn't the same anymore." Antonio R. reported that Stephanie O. had been hospitalized multiple times in the past. Each time, Stephanie O. was given medication that helped her, but when she was released, she did not follow up with her psychotropic medications or appointments.

Antonio R.'s mother confirmed that Stephanie O. had been hospitalized four or five times previously. The children's paternal aunt told DCFS that although Stephanie O.

¹ All further statutory references are to the Welfare and Institutions Code.

loved her children, she had “a hard time keeping up with the kids” because of her emotional and psychological problems. She was aware that Stephanie O. had been taking anxiety medication, but she did not believe that it helped because Stephanie O. hallucinated on at least one occasion.

The jurisdictional hearing was continued to November 21, 2014. On November 17, DCFS spoke to Stephanie O. Stephanie O. told DCFS that the prior month, after she spoke to DCFS about needing a mental hospital, she had gone to a nearby emergency room. She told DCFS that the doctors told her she had had a panic attack because she had run out of a medication she took to treat her anxiety and depression. She said she was released and referred to a psychiatrist at West Valley Mental Health, and that she had an appointment scheduled with him for the following week. DCFS, however, later learned from Stephanie O. that she did not have an appointment scheduled for the following week. In a November 19, 2014, interview, Stephanie O. told DCFS that she had not enrolled in therapy at West Valley Mental Health as she had said she would because the center only offered six sessions. She said she wanted individual therapy and mental health services, but she admitted that she had not been to see a psychiatrist. Stephanie O. told DCFS that she previously had an appointment set on November 13, 2014, but that she had skipped the appointment because she was sick. She reported that she had a make-up appointment set for December 11, 2014.

Stephanie O. told DCFS that she did not remember who diagnosed her with anxiety and depression, nor when that diagnosis was made. She said that her medication was prescribed by her regular physician. She stated that before DCFS was involved with the family, she was not taking any medication. Stephanie O. reported that she was currently taking her medication. She also stated that when she felt “sad” she would be taken to the hospital. Stephanie O. told DCFS that she was having trouble sleeping and was very stressed due to her court case. She said her difficulties began in May or June 2013 with post partum depression and a panic attack. DCFS asked for access to Stephanie O.’s medical records or a letter from her physician, and requested the discharge records from her two hospital visits. Stephanie O. agreed to meet the social worker with

additional documents to complete the interview, but she failed to appear at that appointment.

On November 21, 2014, at the jurisdictional hearing, Stephanie O. testified that she had been involuntarily hospitalized only once and that she had never before or since engaged in the wrist-cutting that led to the hospitalization. She explained that she did not cut herself to kill herself, but because she “just wanted to feel the pain instead of feeling emotional pain.” She did not want to kill herself and she had never had thoughts of harming her children. When she cut herself, her son was not in the house, and her daughter was with her grandmother in another room. Stephanie O. acknowledged that she had transported Anahi R. in a car without a child safety seat on one occasion and testified that she now understood that this was dangerous.

The court sustained the allegations of the dependency petition and declared the children dependents of the juvenile court. The court then placed the children in the home of their father and terminated dependency jurisdiction. Stephanie O. appeals.

DISCUSSION

Stephanie O. argues that the evidence was insufficient to support the juvenile court’s findings under section 300, subdivisions (b) and (j). We review the jurisdictional and dispositional findings for substantial evidence. (*In re J.K.* (2009) 174 Cal.App.4th 1426, 1433.) Substantial evidence is “evidence which is reasonable in nature, credible, and of solid value.” (*Ibid.*) Under this standard of review, we examine the whole record in a light most favorable to the findings and conclusions of the juvenile court and defer to the lower court on issues of credibility of the evidence and witnesses. (*In re Tania S.* (1992) 5 Cal.App.4th 728, 733.) We determine only whether there is any substantial evidence, contradicted or uncontradicted, that supports the juvenile court’s order, resolving all conflicts in support of the determination and indulging all legitimate inferences to uphold the lower court’s ruling. (*In re John V.* (1992) 5 Cal.App.4th 1201, 1212.)

We conclude that substantial evidence supported the juvenile courts' finding under section 300, subdivision (b) that Stephanie O.'s mental health problems placed the children at risk of harm. The evidence before the court established that Stephanie O. had a major depressive disorder, severe and recurring, and that she had been involuntarily hospitalized after cutting her wrist. Stephanie O. had admitted soon after her hospitalization that she was unable to care for her children, and she consented to their detention while she worked to stabilize her mental health. Unfortunately, Stephanie O. did not follow through to secure the mental health services that she needed. In the months between her discharge from the psychiatric hospitalization and the jurisdictional hearing, there is no evidence that Stephanie O. participated in any mental health treatment despite the court's October 2, 2014, order that she undergo individual counseling. She reportedly had an October 8, 2014, appointment scheduled with a psychiatrist at West Valley Mental Health, but there is no indication in the record that she attended that appointment, and she later confirmed to DCFS both that she had not enrolled in therapy there and that she had not been to see a psychiatrist since her hospitalization. Stephanie O. reported to DCFS that she had an appointment to see a psychiatrist on November 13, 2014, but that she had skipped that appointment because she was sick. She said she had an appointment set for the week after DCFS talked with her, but DCFS reported to the court that it had later learned that Stephanie O. did not have any appointment set for that time. At best she had an appointment set for the following month. This failure to follow through with recommended treatment was consistent with Stephanie O.'s prior conduct: when hospitalized in the past, her condition improved with medication; but after her release, she failed to follow up with medication or appointments.

Stephanie O., moreover, minimized the severity of her mental health problems. She denied that she had attempted suicide when she cut her wrist and maintained that she was merely seeking a physical feeling of pain when she cut herself, despite the fact that she was subsequently involuntarily hospitalized for days because of her self-harm. Rather than acknowledging the gravity of her mental health issues, she said that she is

taken to the hospital when she feels “sad.” The court commented on Stephanie O.’s denial: “She doesn’t want to admit that it was a suicidal attempt. If you cut your wrist in that fashion and have to be hospitalized in that way, there’s really very little doubt in any neutral, detached observer’s mind that it’s done for the purposes of not just a cry for help but also a suicidal attempt due to the depression.” The court continued, “We have mental health issues that if not addressed a one-year[-]old and a three-year[-]old are put at risk. And there’s no way to address them adequately if Mother does not want to be fully and completely up front and truthful about her mental health issues and deal with them.” While Stephanie O. maintains on appeal that the wrist-cutting could not be considered a suicide attempt because her wounds were superficial, the record supports the juvenile court’s conclusion.

Stephanie O. argues that the jurisdictional finding cannot be upheld because there was no connection between her mental illness and any risk to the children. We disagree. Harm may not be presumed to a child from the mere fact that a parent is mentally ill (*In re David M.* (2005) 134 Cal.App.4th 822, 830), but the evidence here is of mental illness combined with a denial of the severity of that mental illness and a recurring failure to continue or obtain recommended treatment. Accordingly, this case is not like *In re David M.*, in which the parents had mental problems but there was no evidence that the mental problems negatively impacted their ability to care for their child. (*Ibid.*) Here, Stephanie O.’s psychiatric problems and hospitalizations, combined with her repeated failure to follow through with treatment and her minimization of her mental health problems, placed the children at risk of harm in her care.

Our conclusion that the evidence supports the court’s finding under section 300, subdivision (b) makes it unnecessary to consider Stephanie O.’s challenges to the sufficiency of the evidence to support the court’s jurisdictional findings under section 300, subdivisions (b) and (j) concerning the risk of harm from Stephanie O.’s failure to use a child restraint seat. (*In re Jonathan B.* (1992) 5 Cal.App.4th 873, 875-876 [reviewing court may affirm a juvenile court judgment if the evidence supports the decision on any one of several grounds].)

DISPOSITION

The judgment is affirmed.

ZELON, J.

We concur:

PERLUSS, P. J.

BECKLOFF, J. *

* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.